

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

Turtle Island Foods, SPC, doing business as)	
The Tofurky Company; and)	
The Good Food Institute)	
)	
Plaintiffs,)	
)	
v.)	No. 2:18-cv-4173-FJG
)	
Mark Richardson, in his official capacity as)	
Cole County Prosecuting Attorney and)	
on behalf of all Missouri Prosecuting Attorneys,)	
)	
)	
Defendants.)	

MOTION FOR CLASS CERTIFICATION

Pursuant to Federal Rule of Civil Procedure 23, Plaintiffs move this Court for certification of a Defendant Class. In support, they state:

1. In this action, Plaintiffs challenge recent amendments to Mo. Rev. Stat. § 265.494(7) that make “misrepresenting a product as meat that is not derived from harvested production livestock or poultry” a Class A misdemeanor, punishable by incarceration up to one year and a fine up to \$1,000. *See* Mo. Rev. Stat. § 265.496 (penalty provision). Through this law, the Missouri legislature intended to—and has—criminalized the use of the word “meat” and meat-related terminology in the marketing and packaging of plant-based meat products.
2. The challenged provision is enforced by the individual prosecuting attorneys throughout Missouri.
3. The named Defendant is the Prosecuting Attorney for Cole County.

4. For the reasons set forth in the accompanying suggestions, this case meets the requirements for certification of a Defendant Class of Missouri Prosecuting Attorneys.

WHEREFORE Plaintiffs request this Court certify a Defendant Class of all Missouri Prosecuting Attorneys and appoint the Cole County Prosecuting Attorney, in his official capacity, as representative for the Defendant Class.

Respectfully submitted,

/s/ Anthony E. Rothert

Anthony E. Rothert, #44827
Jessie Steffan, #64861
ACLU of Missouri Foundation
906 Olive Street, Suite 1130
St. Louis, Missouri 63101
Phone: (314) 652-3114

Gillian R. Wilcox, #61278
ACLU of Missouri Foundation
406 W. 34th Street, Suite 420
Kansas City, Missouri 64111
Phone: (816) 470-9933

Matthew Liebman*
Amanda M. Howell*
Alene Anello*
Animal Legal Defense Fund
525 E. Cotati Ave.
Cotati, California 94931
Phone: (707) 795-2533

Jessica Almy*
The Good Food Intitute
1380 Monroe St. NW #229
Washington, DC 20010
Phone: (866) 849-4457

* admitted *pro hac vice*

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on November 29, 2018, I filed a copy of the foregoing electronically with the Court using the CM/ECF system, which sent notification to counsel.

/s/ Anthony E. Rothert